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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,922	01/23/2002	Terrance Campbell		1134

7590 03/08/2004
Matthew J. Peirce, Esq.
1550 Starlight Canyon Avenue
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EXAMINER

NGUYEN, THONG Q

ART UNIT PAPER NUMBER

2872

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,922

Applicant(s)

CAMPBELL, TERRANCE

Examiner

Thong Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings were received on 1/23/2002. It is noted that the drawings do not contain figures 1 and 2 which features are described in the present specification. The only drawing sheet received by the Office is one sheet containing figure 3. Applicant should provide the sheet containing figures 1 and 2 or amend the specification to delete the description relating to the figures 1 and 2.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In particular, the numerical references "8" and "10" stated in the specification, Section V are not shown in at least one figure. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The disclosure is objected to because of the following informalities: The summary of the invention is objected to because it does not comply with the requirement set forth in 37 CFR 1.73. See also MPEP 608.01(d). Applicant should provide a brief description

of the invention, and move other description of details of the invention to other section such as Detailed Description of the Embodiment. Appropriate correction is required.

Claim Objections

5. Claims 2-5 are objected to because of the following informalities. Appropriate correction is required.

Each of claims 2-5 recites a feature of optical element by using the terms "would be" (see line 2 of each claim). The use of such terms renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Should "comprises" or other technical terms be used in lieu of "would be" to make clear the feature claimed?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (U.S. Patent No. 5,418,610).

Fischer discloses a mirror and a means for controlling the operation of the mirror.

In columns 2-4 and figure 2, Fischer disclose that the mirror comprises a reflecting component (16,18) having a front surface, a glass layer (14) attached to the front surface of the reflecting component, and a control system located inside the vehicle for controlling the movement of the mirror wherein the control

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system could be a conventional electrical or mechanical means (column 3, lines 3-6). Regarding to the housing/casing supporting the mirror, in column 2, lines 61+, Fischer states the use of a mirror outer housing for supporting the mirror. Regarding to the optical feature of the glass layer (14), in column 4, lines 5-8, Fischer suggests the use of shielding material to tint the glass for the purpose of reducing glares.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Salim-Khan (GB 2 295 997).

While Fischer suggests the use of a tinted glass layer attached to the front surface of a mirror for the purpose of reducing glares from headlines of other vehicles shining on the mirror, he does not explicitly state that a smoked glass can be used in place of a tinted glass layer. However, such use of a smoked glass as claimed is merely that of a preferred embodiment and no criticality has been disclosed. The support for that conclusion is found in the present specification in which applicant has disclosed another embodiment in which a tinted glass is used. Such use of a tinted glass is indeed claimed as can be seen in present claim 2. Further, the use of either a tinted optical element or a smoked optical

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element for the purpose of reducing glare is suggested to one skilled in the art as can be seen in the device for reducing glare provided by Salim-Khan. See abstract and page 1. Thus, absent any showing of criticality, it would have been obvious to one skilled in the art at the time the invention was made to utilize any suitable material including a smoked element as suggested by Salim-Khan in the device for reducing glare provided by Fischer for the purpose of reducing glare and satisfying a particular design/application.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

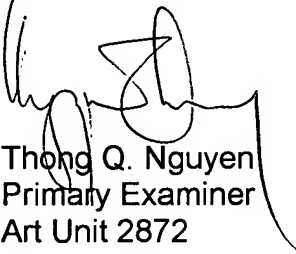
11. The additional references are cited as of interest in that 1) Each of the U.S. Patent Nos. 6,193,377 and 6,024,456 discloses the use of a tinted material attached to a mirror; b) Each of the U.S. Patent Nos. 3,924,938 and 4,993,822 discloses a mechanism for controlling the operation of a mirror wherein the control system is located inside the vehicle; and 3) the U.S. Patent No. 3,650,606 discloses a mirror having a tinted reflecting element for nighttime and a regular reflecting element for daytime and a control system for controlling the operation of the two mirrors.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen
Primary Examiner
Art Unit 2872
